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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,269	06/28/2006	Yoram Baruch	28035-0002US1	6512
7278	7590	08/31/2010	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			BRADEN, SHAWN M	
			ART UNIT	PAPER NUMBER
			3781	
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			08/31/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,269

Applicant(s)

BARUCH, YORAM

Examiner

SHAWN M. BRADEN

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 9, 10, 20-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9, 10 and 20-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date ____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claims 21,22,24,25,26, the phrase "generally" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "generally"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5,9-11,20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendrickson (USPN 6,308,379).
5. With respect to claim 1, Hendrickson shows a liquid container (1) having a center of gravity; and a handle (9) arranged to provide finger engagement (grasping 9 with fingers) with said liquid container for support and desired positioning thereof, said handle (9) defining a finger engagement location which is at or near the center of gravity of said liquid container (fig. 1).

6. With respect to claim 2, Hendrickson shows wherein said finger engagement location (9) is at or near the center of gravity of said liquid container generally irrespective of the extent to which said-liquid container is filled with liquid (fig. 1).
7. With respect to claim 3, Hendrickson shows wherein said liquid container is configured to have a generally horseshoe shaped configuration (fig. 2).
8. With respect to claim 4, Hendrickson shows wherein said liquid container defines a lip (11) on one or more locations on an outer edge surface thereof.
9. With respect to claim 5, Hendrickson shows wherein said lip (11) is located at a lip location at which said outer edge surface is curved (fig. 2).
10. With respect to claims 10,11 Hendrickson shows wherein said handle is disposed interiorly of said liquid container, such that it is at least partially surrounded by said liquid container (fig. 1 and 2).
11. With respect to claim 20, Hendrickson shows wherein said liquid container is configured to have a generally channel shaped central portion (21) with at least one leg (7) portion-extending therefrom.

Response to Amendment

12. Claims 1,9,21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyle (USPN 4,056,210).
13. With respect to claim 1, Boyle shows a liquid container (10) having a center of gravity; and a handle (18, or TS can also be a handle) arranged to provide finger engagement (grasping 18 or ts with fingers) with said liquid container for support and desired positioning thereof, said handle (18) defining a finger engagement location

(thumb and index finger at c) which is at or near the center of gravity of said liquid container (fig. 1).

14. With respect to claim 21, Boyle shows wherein said container is generally symmetrical about a central axis (central axis shown in fig. 1 along center line 2-2).

15. With respect to claim 22, Boyle shows wherein said container has a generally U-shaped cross section (to the extent the claim is understood, 18A is u shaped in the same general way as fluid holding portion).

16. With respect to claim 25, Boyle shows and wherein said container has a generally circular central portion from which extend two leg portions (when TS is removed as shown in fig. 4).

17. With respect to claim 26, Boyle shows wherein outer edges of said leg portions are separated by a distance which is generally the same as an outer diameter of said central portion.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9,23,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle in view of Cordia (USPN 7,108,236).

Boyle discloses the invention substantially as claimed. Boyle shows Claim 24, wherein said panel (18) is located generally at a center point with respect to the height,

width and length of said container and claim 23, wherein said finger engagement (where user grasps on 18) location is adjacent to said panel (18)

However Boyle does not disclose claim 9, wherein said handle is configured in a shape of a beam having extending upwards therefrom a panel.

Cordia teaches claim 9, wherein said handle (101) is configured in a shape of a beam (fig. 7) having extending upwards therefrom a panel (the wall of 170), in the same field of endeavor for the purpose of grasping a beverage container.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to a beam grip as taught by Cordia rising from panel (18) of Boyle in order to improve the gripping capability of the container.

19.

Response to Arguments

20. Applicant's arguments filed 06/17/2010 have been fully considered but they are not persuasive.

21. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

22. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

23. In response to applicant's argument that Hendrickson does not show a finger engagement location which is at or near the center of gravity of the container. Hendrickson element (9) is near the center of gravity and a user can grasp it with their fingers.
24. The new claims required the application of the new grounds of rejection.

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN M. BRADEN whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Friday 9-6:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony Stashick/
Supervisory Patent Examiner, Art
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/Shawn M Braden/
Examiner, Art Unit 3781